

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

GARY G. COLEMAN,  
ADC #102033

PLAINTIFF

v.

4:05CV00569HLJ

LARRY NORRIS, et al.

DEFENDANTS

ORDER

This matter is before the Court on plaintiff's motion to file an amended complaint and second amended complaint (DE #65). Defendants have not objected to the motion.

In this motion, plaintiff asks to file an amended complaint which was originally directed to be filed by the Court by Order dated August 24, 2005 (DE #20). At that time, the Court was considering defendants' motions to dismiss for failure to exhaust administrative remedies. Although plaintiff's counsel submitted a copy of the amended complaint to the Court for its review, it was never filed as a proposed amended complaint. Furthermore, by Order dated February 28, 2006 (DE #25), the Court denied defendants' motions to dismiss, granted plaintiff's motion to amend, and directed plaintiff's attorney to file the amended complaint. Such amended complaint was never filed.

Therefore, plaintiff now asks the Court to file this amended complaint. The Court will grant this motion, and direct that this amended complaint relate back to the February 28, 2006 Order directing its filing.

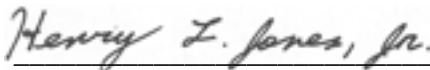
The Court notes, however, that since that time, the Court has granted plaintiff's motion to dismiss all defendants except defendants Norris, Reed, Hobbs, and Robertson (DE #64). The filing of plaintiff's amended complaint as directed in this Order will not affect that ruling, and parties since

dismissed from this case will remain terminated. Plaintiff also asks in his motion for leave to file a second amended complaint, updating and clarifying the allegations against the remaining four defendants. The Court will hold in abeyance ruling on this part of his motion, pending the filing of the proposed second amended complaint. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion to file an amended complaint (DE #65) is GRANTED IN PART with respect to the proposed amended complaint submitted in conjunction with the motion (DE #66). This amended complaint shall relate back to the February 28, 2006 Court Order, and the filing of this complaint shall not affect the dismissal of parties since that date.

IT IS FURTHER ORDERED that ruling on plaintiff's motion to file a second amended complaint is hereby held in abeyance. Plaintiff shall file with the Court a proposed second amended complaint within ten days of the date of this Order.

IT IS SO ORDERED this 20th day of November, 2007.

  
United States Magistrate Judge